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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

November 20, 2006

MISC. ORDER 2006-018

Associate Justice Ronald B. Robie is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 77, and 78, during the absence of the Presiding Justice from the court on November 22, 2006, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Robie, Associate Justice; and Ellis, bailiff.

C051311 BARNETT v. THE SUPERIOR COURT OF BUTTE COUNTY and THE PEOPLE

Cause called. Jennifer M. Corey, argued and Robert D. Bacon appeared only for petitioner. Eric L. Cristoffersen, Deputy Attorney General, argued for real party in interest.

C051946 THE PEOPLE v. THE SUPERIOR COURT OF SHASTA COUNTY and MAURY

Cause called. Eric L. Cristoffersen, Deputy Attorney General, argued for petitioner. Kevin M. Bringuel argued and Charles Press appeared only for real party in interest. Cause submitted.

C052243 KENNEDY v. THE SUPERIOR COURT OF COLUSA COUNTY and THE PEOPLE

Cause called. Michael Clough argued for petitioner. Eric L. Cristoffersen, Deputy Attorney General, argued for real party in interest. Cause submitted.

At 11:18 a.m., the court recessed. At 11:21 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050636 DELTAKEEPER etc., et al. v. PORT OF STOCKTON et al. and CITY OF STOCKTON et al.

Cause called. Robert Perlmutter argued and Catherine V. Engberb appeared only for appellants. Susan L. Durbin, Deputy Attorney General, argued Amicus Curiae for appellants. Stephen L. Kostka argued for respondents. Cause submitted.

At 11:56 a.m., the court recessed. At 12:01 p.m., the court reconvened with Hull, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

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C047678 CASSIDY et al. v. CASSIDY

Cause called. Bonita Cassidy argued In Pro Per as appellant. Priscilla Fay Slocum argued for respondent. Cause submitted.

At 12:31 p.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; Nicholson, Associate Justice.

C050829 TOWNS v. DAVIDSON et al.

Cause called. Michael R. White argued for appellant. Mark D. Tokunaga argued for respondents. Cause submitted.

At 2:37 p.m., the court recessed. At 2:42 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

C051371 THE PEOPLE v. NORWOOD

Cause called. Charles M. Bonneau, court appointed counsel, argued for appellant. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:00 p.m., the court recessed. At 3:06 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C048968 In re RICHARD C. JR., et al.; BUTTE COUNTY DEPARTMENT OF
EMPLOYMENT AND SOCIAL SERVICES v. BRENDA F.**

Cause called. Brenda Fernandez argued In Pro Per as appellant. Kimberly Merrifield, County Counsel, argued for respondent. Cause submitted.

At 3:27 p.m., the court recessed until 9:30 a.m., Monday, December 11, 2006.

C050080 THE PEOPLE v. SANDOVAL (Not for Publication)

The superior court shall modify the judgment... The clerk of the superior court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.
Nicholson, J.

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- C050114 THE PEOPLE v. MAHMOUD (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C052124 THE PEOPLE v. ROGERS (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C042504 WELLS, a Minor, etc., et al. v. ONE2ONE LEARNING FOUNDATION et al.
and STATE OF CALIFORNIA (Not for Publication)**
In accordance with the opinion of the California Supreme Court in this
matter, filed August 31, 2006, as modified October 25, 2006, it is hereby ordered
as follows...
... The school district defendants shall recover their costs on appeal from
plaintiffs, and plaintiffs shall recover their costs on appeal from the charter school
defendants. (Cal. Rules of Court, rule (a)(3).)
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C049164 THE PEOPLE v. JONES (Not for Publication)**
BY THE COURT:
The opinion of this court filed October 30, 2006, in the above entitled case
is modified...
... As modified, the petition for rehearing is denied. This modification does
not effect a change in the judgment.
FOR THE COURT:
BLEASE, Acting P.J.
SIMS, J.
NICH OLSON, J.
- C050639 THE PEOPLE v. KAO**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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Hull, J.

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- C051090 THE PEOPLE v. TORRES (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
 Robie, J.
- C048950 DEVERAUX et al. v. BRUMMETT et al. (Not for Publication)**
The judgment and the order denying the new trial motion are affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C050315 SKINNER et al. v. JONSSON et al. (Not for Publication)**
The judgment is affirmed. The Skinners shall recover attorney fees and costs pursuant to the settlement agreement as the prevailing parties on appeal.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
 Robie, J.
- C050520 HALL-MARK SERVICES, INC. v. HARRIS & ASSOCIATES, INC. (Not for Publication)**
The judgment is reversed. The matter is remanded for the trial court to grant Harris's petition to compel arbitration. Harris shall recover costs on appeal.
RAYE, Acting P.J.
We Concur: Hull, J.
 Cantil-Sakauye, J.
- C050548 LESTER v. BARBOSA CABINETS, INC. et al. (Not for Publication)**
The judgment is reversed due to cumulative evidentiary error. The case is remanded to the superior court for a new trial. Plaintiff shall recover her costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
SIMS, J.
We Concur: Scotland, P.J.
 Hull, J.
- C050788 KINETIC SYSTEMS, INC. v. WILD GOOSE STORAGE, INC. (Not for Publication)**
The judgment is affirmed. Defendants is awarded its costs on appeal.
HULL, J.
We Concur: Davis, Acting P.J.
 Raye, J.

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- C051194 FREEMAN & RISHWAIN G.P. v. BROWN (Not for Publication)**
The order denying Brown's motion to set aside the judgment is affirmed.
F&R shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
ROBIE, J.
We Concur: Hull, Acting P.J.
Cantil-Sakauye, J.
- C048801 In re MARK R.; THE PEOPLE v. MARK R. (Not for Publication)**
The juvenile court's order of December 2, 2004, requiring the minor to
pay restitution to the victims in the amount of \$3, 517.96 is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C053412 PADRON v. THE SUPERIOR COURT OF PLACER COUNTY and
QUINTANILLA, JR., et al. (Not for Publication)**
Let a peremptory writ of mandate issue directing respondent superior
court to vacate its order denying petitioner's motion to transfer venue to Santa
Barbara County, and to enter a new and different order granting that motion.
Upon finality of this decision, the stay previously issued is dissolved. Petitioner
shall recover his costs of this proceeding. (Cal. Rules of Court, rule 56 (m)(1).)
SIMS, Acting P.J.
We Concur: Davis, J.
Hull, J.
- C049878 THE PEOPLE v. CURTIS
BY THE COURT:**
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

November 22, 2006

- C050076 THE PEOPLE v. PEPPER (Not for Publication)**
The judgment is affirmed.
Davis, J.
We Concur: Scotland, P.J.
Butz, J.
- C051025 THE PEOPLE v. FULFORD (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Davis, J.

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- C051673 THE PEOPLE v. COMBS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Raye, J.
- C052399 THE PEOPLE v. LOCKETT (Not for Publication)**
The \$200 parole revocation fine is stricken. As modified the judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C052051 In re CHONG K.; THE PEOPLE v. CHONG K. (CERTIFIED FOR PUBLICATION)**
The juvenile court's order denying appellant's request to seal his juvenile record is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Raye, J.
- C052699 In re KIARA F.; THE PEOPLE v. KIARA F. (Not for Publication)**
To the extent the juvenile court's May 15, 2006, order purports to "continue" the minor as a ward of the court, it is void... The stay of proceedings previously issued by this court is vacated upon the finality of this opinion.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C044770 THE PEOPLE v. TACKETT
BY THE COURT:**
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C049617 THE PEOPLE v. WEVER
BY THE COURT:**
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.
- C049649 THE PEOPLE v. WESLEY et al.
BY THE COURT:**
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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November 23, 2006

There were no minutes for this date.

November 24, 2006

There were no minutes for this date.